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TARAPACÁ, Chile — Peru and Chile. 1922.

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Peru and Chile

THE QUESTION OF TARAPACA

Memorial Address

to

President Harding

WASHINGTON, D. C.

1922



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MEMORIAL ADDRESS TO
PRESIDENT HARDING

BY

THE NATIVES OF TARAPACA

A515893

Tarapacá, Chile (Provincia)

TO HIS EXCELLENCY THE PRESIDENT OF THE UNITED
STATES OF AMERICA:

The undersigned Peruvian citizens, born in the Department of Tarapaca, which is today under the control of Chile, appear before your Excellency to respectfully set forth the following:

We have no doubt that, in the conferences which at your Excellency's initiative are soon to be held in Washington for the purpose of settling the differences pending between Peru and Chile since the peace of 1883, the Peruvian Government will exact of that of Chile the devolution of the Department of Tarapaca; and with the live earnest desire that the Peruvian demand be complied with and we the natives of Tarapaca restored to the Peruvian home which we have never renounced, nor shall ever be able to renounce, by this communication manifest our decided and unbreakable will of reestablishing our union with the Peruvian Motherland and hereto annex a brief containing the reasons which we have for believing our decision just. All to the end of lending our most vehement cooperation and support to the demand of the Peruvian Government.

In the brief just mentioned we have undertaken to prove and believe to have proved:

First. That the cession of Tarapaca contained in the treaty of peace of 1883 between Peru and Chile was made not only without consulting the will of its inhabitants but against their will which they of their own initiative and notwithstanding the pressure of the Chilean arms expressed in the protest which they then made and which is annexed to the aforementioned brief.

Second. That the natives of Tarapaca as well as the other Peruvians defended our territory as far as it was humanly possible, and were conquered only because, as all those who have studied the war of 1879-1883, and especially the Chileans themselves, acknowledge, victory was certain for the

belligerent which should have the control of the sea which is the only means of communication and on which Chile's superiority was from the beginning unquestionable; so that in spite of the fruitless sacrifice of Peru's navy men the weak Peruvian navy had practically disappeared at the end of six months of hostilities, and the extensive Peruvian coast could be attacked with impunity whence it was most convenient for the invader.

Third. That Tarapaca not having been an object of the dispute which caused the war, the peace with which the latter ended cannot serve as a title to appropriate it under and consequently the expropriation of this Peruvian Department by Chile is a simple despoliation by force and arms which does not close the war but prepares another.

Fourth. That notwithstanding the foregoing, and in spite of the careful concealment made by Chile of its true aims in the beginning, it is today indubitable that those aims were always those of despoiling Peru of the territory of Tarapaca to consummate the monopoly of the saltpetre and of the guano of which it had already despoiled Bolivia, and that for this reason the war had no admissible and confessable aim in the light of the international law of South America.

Fifth. That in the case contemplated in the next preceding paragraph the belligerent which wins the war has none of the rights which the laws of war grant to the winner and the loser has the right of recovering that which it has lost as soon as the pressure of force cease.

Sixth. That the right to which the next two preceding paragraphs refer would be lost to Peru if in the exercise of full liberty and under the flag of that great country, it should settle its affairs with Chile without including among them that of Tarapaca, and we the natives of Tarapaca would lose forever the never-abandoned hope of being restored to the Peruvian Motherland.

Seventh. That the saltpetre and the guano of Tarapaca are not a gift made by nature to the Peruvians, but the necessary compensation of the sterility of the Peruvian coast which can be cultivated, although never totally, only by means of costly irrigations whereas the long coast of Chile is all irrigated by rain. So that the guano and the saltpetre, which ought to remedy or make up for the sterility of the Peruvian coast serve Chile only to constitute what is in fact a most abundant fund of war, of diplomacy and of propaganda with which it has destroyed the equilibrium of the South Pacific, has sowed perpetual intranquility in the South American continent and constantly causes discredit and ruin to those who resist or refuse support to its imperialistic plans.

Eighth. That Chile has violated the treaty of peace which contains the cession of Tarapaca in what was indispensable condition of its execution by Peru and has caused the caducity of said treaty and of the cession of Tarapaca even supposing that the latter should have been valid originally.

Ninth. Finally, that if Tarapaca should remain definitively annexed to Chile, Bolivia would lose forever the supreme hope of having an outlet to the sea because the realization of that hope is conceivable only through one of the ports to the south of Tarapaca and to the north of Chile as it was, and would result consequently in a gap in the present Chilean territory which would be inadmissible for Chile. It is clear, therefore, that the compressed and unrestrainable aspirations of Bolivia would break their dikes to reach the sea sometime, and that the conference which with such wholesome intentions your Excellency has promoted would leave in the ground the seed of a new South American conflagration.

Aware of the decisive influence which your Excellency's ideas are bound to have in the decisions which the conference adopt, we very respectfully fervently invoke the high spirit of benevolence and of justice which has guided your Excel-

lency in the present occasion, and your natural earnest desire that peace be definitively established in the South American continent that you may deign lend attention to the annexed brief and provide whatever you may deem necessary in order that the reasons which it contains be duly appreciated at the conference which is the cause of it.

LIMA, April 6, 1922.

The signatures of the natives
of Tarapaca follow.

**BRIEF ON THE JUSTICE AND CONVENIENCE OF
THE DEVOLUTION TO PERU OF THE DEPART-
MENT OF TARAPACA WHICH APPEARS CEDED
TO CHILE BY THE TREATY OF PEACE OF OC-
TOBER 20th, 1883.**

I. The Department of Tarapaca which with its beds of salt-petre and of guano constitutes an emporium of wealth was ceded by Peru to Chile, the opinion of its inhabitants not having been in any way consulted, by the treaty of peace of October 20th, 1883. The inhabitants of Tarapaca at that time numbered forty-two thousand and two (42,002) according to the official census of Peru of 1876. Of them only two thousand were foreigners. They, far from being consulted, spontaneously made the protest a copy of which is annexed hereto.

In the European continent, the change of nationality of a populated country, although populated by a small number of inhabitants as all the countries of South America, without consulting the opinion of its inhabitants, would have been a scandal. But in South America where the nationality of a piece of territory has for the first time been seen to change, the infraction of the then and now most common and accepted rules in the civilized world set a precedent which it is necessary to erase from the annals of our international law.

After the cession, we, the natives of Tarapaca, have been treated in the land of our birth as the natives of Tacna and of Arica have been in theirs and we have finally been expelled also or driven away as they have been.

The grave fact of our not having been consulted does not need proofs of any kind. The inhabitants of Tarapaca deny that they were consulted and therefore it is in no case up to

them to furnish proof but it is up to whomsoever should affirm the contrary to produce the respective proof and such proof has neither been offered nor mentioned by anyone.

II. The inhabitants of Tarapaca, prior to protesting, defended their own territory and the national territory as did all the inhabitants of Peru, and it seems opportune to manifest on this occasion why, in spite of their efforts, and of those of all the inhabitants of the country, the war was lost and the dismemberment of Peru consummated by Chile.

Among the communities of the every extensive coast of Peru there was not at the time of the war with Chile, and there is not today, any means of communication other than the sea; so that the belligerent which dominated the sea had the victory assured. And that belligerent was Chile which prepared the despoliation of the Bolivian desert of Atacama and the Peruvian Department of Tarapaca since the year 1842 when the saltpetre and the guano riches of the former were discovered.

Many volumes might be filled with official Chilean documents and with publications of the Chilean press which evidence the unanimous view in that country, as well as the view of Peru, and in general of all those who have studied the problem, to prove that on the west coast of South America domination of the sea means victory. We shall limit ourselves to a few citations.

Supposing the capture of the Huascar, the last ship of relative importance which Peru had, Santa Maria (President of the Chilean Council of Ministers—and later of the Republic) wrote to Sotomayor, Chief of Staff of the Chilean army, the following:

“August 21, 1880. The disappearance of this ship would permit us to move our army immediately and then I would be of opinion—think it over well—that we should direct our expedition on Lima and not on

Tarapaca. The moral effect which the capture of Lima would produce after the annihilation of the Peruvian maritime forces would be immense. You will see by this that I change my former manner of thinking but this change has its basis in that I consider the Peruvian navy entirely overwhelmed."

Bulnes, "Guerra del Pacifico," Vol. 1, P. 508.

Bulnes, at page 458, Vol. I, referring to a resolution of the Council of War to move on Arica, writes:

"A great event modified the resolution of the Council of War: the capture of the Huascar which took place on the 8th of this month, and which by itself dispelled all the doubts"

At page 501 he adds the following:

"The capture of the Huascar awakened immense interest in the country. The public instinct understood the enormous importance of opening the doors of Peru to the terrestrial invasion which would decide the contest"

And he adds at page 504:

"In Peru the impression was much greater; first of sorrow for the loss of its most beloved belonging. Grau was its pride; the Huascar its glory! Then of consternation at the impending invasion. The whole coast was left at the mercy of the enemy. It could disembark wheresoever it should wish"

As regards the navies of Peru and of Chile, the following comparative statements concerning them at the time of the declaration of the war which appear as much in the Peruvian as in the Chilean histories prove the complete superiority of Chile's navy and the impossibility of a definitive victory on the sea for Peru.

TONNAGE OF THE NAVIES

PERU		CHILE	
Independencia.....	2004	Cockrane.....	2032
Huascar.....	1130	Blanco.....	2032
Mancoñ.....	1034	Ohiggins.....	1101
Atahualpa.....	1034	Chacabuco.....	1101
Union.....	1150	Abatao.....	1051
Pilcomayo.....	600	Esmeralda.....	854
	<hr/>	Magallanes.....	772
	6952	Covadonga.....	412
			<hr/>
			9353

SPEED AND ARMOUR OF THEIR SHIPS

Manco	} 4 mi., 10 in.	Cockrane, 13 mi., 13 in.
Atahualpa		
Independencia,	} 11 mi. 4½ in.	Blanco, 13 mi. 13 in.
Huascar		

ARMAMENT OF THEIR SHIPS

PERU	GROOVED CANNON	CHILE
2	" 250	12
2	" 150	1
0	" 115	7
26	" 70	4
0	" 64	1
4	" 40	8
4	" 32	4
0	" 30	4
0	" 20	8
4	" 12	0
5	" 9	4
0	" 6	6

DATE OF CONSTRUCTION OF THEIR SHIPS

Independencia	} 1864	Cockrane	} 1874
Huascar		Blanco	
Manco		Ohiggins	
Atahualpa		Chacabuco	

Biblioteca del Mercurio Peruano

"Documentos Esenciales del Debate Peruano Chileno"
published by the Comite Patriotico Peruano,
Series A.—Vol. 2, Pp. 67 and 68.

III. The treaty of peace of October 20th, 1883, in its second article, there being no prior nor subsequent explanation of or reference to the subject matter of this article, reads as follows:

“Article 2. The Republic of Peru cedes to the Republic of Chile, perpetually and unconditionally, the territory of the literal province of Tarapaca, the boundaries of which are: on the north, the ravine and river Camarones; on the south the ravine and river Loa; on the east, the Republic of Bolivia and on the west the Pacific Ocean.”

When Chile declared war on Peru on the 5th of April, 1879, Minister Fierro alleged, in his manifesto to the neutral powers, as the only cause of the war the execution by Peru and Bolivia of the secret treaty of 1873, basing his allegation on the fact that, Bolivia having declared war on Chile because Chile (without having declared it as it was its duty to do) had occupied Bolivian territory, Peru being the ally of Bolivia ought to be reputed an enemy of Chile also and besides disloyal to Chile because of having kept the treaty secret while appearing as a neutral and friend of Chile and as a mediator between it and Bolivia. But the manifesto does not contain a word about Tarapaca although it does not fail to express hateful sentiments against Peru on account of certain internal administration measures which the latter took in the saltpetre fields of that territory and which Chile believed prejudicial to Chilean interests the importance of which the minister exaggerated immeasurably.

War is certainly, or was until the last European conflict, a licit manner of determining disputes between nations in the absence of any other means of doing so. But war has never been considered, at least among Christian people, during modern times and above all in America, as a means of appropriating territories and even property of any other kind not

related to the causes of the war itself. So that if a territory which was never in dispute, and especially if it contains riches as stupendous as does Tarapaca, is ceded, such cession has no legitimate cause; it is simply a despoliation by force and arms which the vanquished consent to because he cannot repel the force which weighs down upon him. And as no despoliation, and especially those effected by force, gives title to the things thus taken, it seems evident that Chile has no title to the province of Tarapaca. Consequently Peru has an indisputable title to that province and may exercise it by force whenever it be strong enough to defeat Chile or by means of pacific action founded on reason and on mutual convenience to which the actual tendencies of humanity which the Government of that great Republic so brilliantly personifies give a power which they did not formerly have.

War taking the place of a tribunal of last resort to determine to whom belongs the object of a dispute between two or more states is already sufficiently barbarous and horrible to suppose that its effects may be extended to objects which had no relation with it, thus retrograding to the times when the conqueror was the owner of all that belonged to the conquered including honor, liberty and life.

Even in Europe composed of different races which came into contact with each other through invasion and war, whose organization was originally founded on rules of individual and absolute predominance and whose territories are far from being sufficiently extensive not to inspire covetousness, the appropriation of another's property among nations may be considered definitely abolished.

The cession of Alsace and Lorraine offers in Europe the last example of the past barbarousness and it is certain that the world would not permit today that such an example should be repeated nor would it have been possible to found a League of Nations if it should subsist.

How much more must it be so in South America where the states were born to the independent life under the ideas of the Christian civilization of the nineteenth century.

There are further in the case of Tarapaca compared with that of Alsace and Lorraine these differences which favor Peru: Alsace and Lorraine once belonged to the Germanic community, Chile certainly was once a dependency of Peru but Peru was never part of Chile. The two states were not even boundary neighbors. Between the river Loa, the southern boundary of Peru and of the Department of Tarapaca, and the river Paposo, northern boundary of Chile, there is the entire Bolivian desert enclosed by its sea and its mountains, so that Chile has had to take a leap of eighty leagues to place its claw on the coveted Peruvian prey, a prey which is not only a territory susceptible of being made productive with the money and work of the conqueror but a treasure in itself immense, indispensable for Peru as we shall hereinafter show and with which Chile passed instantaneously, the only example in history, from the most modest sphere to the most ostentatious opulence.

The Chileans also know what they were doing when, while directing their arms on Tarapaca in the year 1879, they were not content with concealing their purposes but protested once and again that they were not nor could be those of conquest. The same manifesto of Minister Fierro as to the justificative causes of the war to which we have referred proves this affirmation.

"In no emergency," says the Minister, "was it possible to anticipate that Chile or any other nation could threaten the integrity of the Bolivian territory or the never-disputed sovereignty of Peru within its acknowledged boundaries." By this Chile wished to express the thought that the conquest (which was precisely what it was performing) was, in its opinion a thing so excessively monstrous that no one could

imagine it and that it could not therefore have been the cause of the treaty of alliance of 1873 between Peru and Bolivia. Because Chile was trembling at the idea of an intervention by the United States or by Europe and wished to prevent it with the boldest protests against the conquest to which nevertheless it rapidly was tending.

The idea expressed by the Chilean Minister in the foregoing quotation explains it all. Peru and Bolivia seeing in the reality of the invasions of the Bolivian desert the beginning of the conquest were not sufficiently alarmed and limited themselves to a semi-platonic alliance which was not even completed with the projected concurrence of the Argentine Republic and which was in fact abandoned, as all other defense was forgotten, when Chile apparently settled with Bolivia by means of the boundary treaty of 1874 by which nothing better was accomplished than by that of 1866 whence the great dispute of those times had originated, and which furnished immediate pretext for the invasion of the entire Bolivian desert.

This idea explains also that all the other states of America should not have understood the situation in time to check the belligerent action of Chile in its inception and should have let things advance until Chile took the saltpetre and guano deposits of Tarapaca, immediately undertook the exploitation of them and acquired powerful elements of resistance against the intervention of any state of South America.

It is also necessary to state here how this Republic so young and so poor could do things so surprising and so bold with a method and perserverance which are conceivable only under the direction of an intelligence and an arm provided with the most absolute power.

But the fact is that it is an oligarchy, compact and closed, that governs in Chile under the forms of a democratic re-

public, and has always directed its interior and exterior policy, doing so above all for the personal benefit of its members and generally with disregard of the inferior races of semi-civilized rapacious and sanguinary Indians and half-breeds which make up the great mass of its population.

The above stated circumstance is sufficient to render the Chilean Republic a machinery of easy and energetic movements in the service of far-reaching, firm and constant purposes. It is as dangerous in South America as was the Kaiser's Germany in Europe and even much more dangerous: First, because it is sufficiently separated from the rest of the world to withhold from the latter's eyes, at least in the beginning, the preparation and execution of its purposes. Second, because the dominant caste being separated from the lower masses the former looks upon the blood of the latter with less attachment and solicitude, and because the character of the lower masses makes them very appropriate for the war of destruction and very easy to control at the expense of the enemy by permitting them to satisfy their brutal instincts. The excesses of all kinds committed against the defenseless Peru after the disappearance of its navy are unequivocal proof of what we have just expressed no less than the persistence in the purpose of the upper classes regarding the saltpetre and guano of Bolivia and of Peru. This leads us to the demonstration that in spite of Minister Fierro's manifesto it was the riches of Tarapaca that caused the war against Peru.

IV. When President Bulnes, acquainted with the discovery of guano and saltpetre to the north of the twenty-fourth degree where Bolivia's ownership of the desert was unquestionable, proposed to the Chilean Congress the adoption of a law which fixed the northern boundary of Chile at the twenty-third degree, advancing towards the north more than two geographical degrees above the river Paposo up to that time

the unquestionable boundary of Chile acknowledged as such in its Constitution, Congress adopted that law without discussion and unanimously, that law which, applied by the Chilean government with care, cunning and perseverance never before seen, produced in the end the catastrophe of 1879 which annihilated the economic forces of Peru, deprived Bolivia of its sea coast and converted Chile from the poorest nation of the South Pacific into the wealthiest of the republics of that region.

Don Gonzalo Bulnes, son of the Chilean President of 1842, and historian of the War of the Pacific relates as follows the remotest origin of the terrible drama:

“The new republics adopted as a common basis for the demarcation of their boundaries the administrative boundary which they had at the moment of their separation from Spain. This was called the ‘uti possidetis of 1810’ and was thought of largely to prevent European nations from pretending to set foot on America alleging that between the territory of one nation and that of another there were vacant lands subject to occupation as *res nullius*.”

“The *uti possidetis* of 1810 was the juridical beginning of the territorial demarcation among the American states.”

“Bulnes’ government has the merit of having endeavored to establish the boundaries of the republic on the north and south before any of the other governments of America endeavored to establish theirs, thus preparing with rare foresight for the Chilean race of the future a territory adequate for its ambitions of work and of expansion.”

“Within one year, between 1842 and 1843, he fixed the northern boundary of the country at the Mejillones parallel, and on the south at the Strait of Magellan founding a colony which was then named Fuerte Bulnes today Punta Arenas.”

“This book is not concerned with what regards the Strait. It is concerned only with that which refers

to the northern domain up to Mejillones because of its having been the starting point of the boundary dispute between Chile and Bolivia, the seed of the bloody and prolonged struggle which I propose to narrate."

"Great deposits of guano were discovered in Peru in 1842 and, although the enormous importance which this fertilizer came to acquire as regards the public wealth of this country could not then be foreseen, sufficient was known to appreciate it as a source of fiscal wealth. The government of Chile sent a commission to explore the coasts of the northern part of the country up to the Mejillones parallel for the purpose of ascertaining whether or not similar deposits existed on them. The report was not very favorable. The guano found was neither abundant nor of high quality. Bulnes nevertheless took that examination as a basis to send a message to Congress proposing to it a project of law which declared the guano deposits situated to the south of the twenty-third parallel the property of the republic by reason of their being within the boundaries of its territory."

"The message read as follows:"

"Fellow citizens of the Senate and of the Chamber of Deputies:"

"The usefulness of the substance called guano which since time immemorial is used as a fertilizer in the cultivation of the soil on the coast of Peru being acknowledged in Europe, I considered it necessary to send an exploring commission to examine the coast comprised between the port of Coquimbo and the bluff of Mejillones for the purpose of finding out whether or not any guano deposits existed within the territory of the republic the exploitation of which might supply a new source of income to the public treasury, and, although the result of the expedition did not fully meet the hopes which had been conceived, guano was nevertheless found, in more or less abundant quantities according to the nature of the places at which these deposits are found, at sixteen points of the coast and neighboring islands, from 29°35' to 23°6' south latitude."

"Far from presuming, after the examination made that the Chilean guano deposits may have the importance attributed to those of Peru, I am inclined to believe that the return that may be derived from them shall be comparatively small but this would not excuse that their exploitation should be permitted to be free in favor of foreign commerce depriving the national treasury of a resource which, without encumbrance on the people, would serve as a subsidiary fund to attend to so many objects of common utility which need efficient protection."

"This important document carries the signatures of President Don Manuel Bulnes and of the Secretary of the Treasury (Ministro de Hacienda) Don Manuel Renjifo."

"Both Chambers approved unanimously that which this message indicated and the project was promulgated as law in October 1842. That the northern boundary of the republic was the Bay of Mejillones was sanctioned by the Executive and by Congress under the form of an economic measure." Bulnes, "Guerra del Pacifico" Vol. I, Pages 12, 13, 14.

The foregoing proves that Chile since the year 1842 had the purpose of enriching itself by the appropriation of the guano and saltpetre producing territories and that to put it into practice it did not retreat before the unequivocal provisions of its constitution which fixed its boundary precisely at the southern beginning of those territories nor before the conflict with Bolivia which the law of the year above mentioned could create and in fact did create. The foregoing also proves that with the indubitable object of concealing the transcendence of that law it was proposed to the Chambers as a simple economic measure and adopted by them as such without discussion that we know of and *unanimously*.

This and the fact that Chile's activities regarding the salt-petres and guanos did not cease until it obtained the absolute domination of them all, Bolivian as well as Peruvian, cannot

leave doubt in any impartial mind that the cause of the war was the Chilean purpose of appropriating the province of Tarapaca and that the manifesto of Minister Fierro, in so far as it states that the cause of the war was the secret treaty of alliance between Bolivia and Peru executed in 1873, was only a recourse resorted to by the public men of Chile in the absence of all serious pretext for carrying it on at the moment when they thought that the most propitious occasion presented itself for accomplishing the long incubated project of President of Bulnes of the year 1842.

It would be very long and foreign to the purpose of this document to demonstrate that the alliance between Peru and Bolivia of 1873 cannot be the cause of the war declared by Chile on the former of these two countries. It is sufficient for our purpose to demonstrate in a direct manner that it was the saltpetre of Tarapaca that was the only cause which induced Chile to declare this war, and in the event that anyone should believe that what has heretofore been stated is not sufficient for that purpose, we add the following the probatory force of which is beyond discussion:

“The war with Bolivia was for this reason a simple question of time from the time when the explorer Cangalla found the first silver ore in the hills of Caracoles (of the desert of Atacama), as the war with Peru would have to be inevitable and analogous from the time when the railroad and saltpetre excavation attracted to the territory of that republic, as a human avalanche, an active, vigorous and intelligent race which was to meet face to face an other race lazy, soft and demoralized by the climate and by idleness.”
Vicuña Mackena “Campaña de Tarapaca” P. 33.

Balmaceda, Secretary of State, in the year 1882 and later president of Chile, said in the Chamber of Deputies:

“Historical, legendary, geographical and industrial reasons made it necessary to carry the war on to its last

extreme. On the Pacific coast of South America there are but two centres of action and progress: Lima and Callao: Santiago and Valparaiso. It is necessary that one of these centres succumb in order that the other may rise. For our part we need Tarapaca as a source of wealth and Arica as an advanced point on the coast."

Paz Soldan Carlos, "La cuestion de Tacna y Arica," P. 28.

In a circular to the diplomatic agents of Chile, Balmaceda was still more explicit:

"The saltpetre territory of Antofagasta and the saltpetre territory of Tarapaca were the real and direct cause of the war. To return to the enemy the cause itself of the war after our triumphs and after the occupation of those territories would have been an unjustifiable imprevision and an absolute lack of the knowledge which matters of state suppose." Ibidem, Page 29.

Vial Solar referring to the terms of the peace says:

"In clearer terms and according to this criterion, Peru submitting to the law of the situation ought to deliver to Chile those portions of territory which had been the true and efficient cause of the war and to pay besides an indemnity in money which would prevent for long years the nourishment of illusions of revenge by its restless politicians."

Vial Solar, "Paginas Diplomaticas" P. 7.

The following is copied from the Biblioteca del Mercurio Peruano's "Documentos Esenciales del Debate Peruano-Chileno" Series A, Vol. 2:

"D. 33.—The conquest confessed in the Chilean Chamber."

"Mr. Arteaga A. (don D.) requests the privilege of speaking for the purpose of proposing to the

Chamber a project of law in his opinion very well founded and which counts with the approval of the entire country."

"Our territory has extended to the seventeenth degree thanks to the brave effort of our valiant army."

"Our poor 'rotos' have gone to take possession of that territory to which they have given life with their arms and with their efforts at the same time that our capitalists have developed industry there."

"In view of this and other considerations he proposes the following:"

"Project of resolution.—The Chamber of Deputies would see with pleasure that His Excellency the President of the republic should submit to Congress a project of law to definitively incorporate in the territory of the republic the regions CONQUERED and occupied by the arms of Chile in the present war, said regions remaining subject to the civil, political and administrative legislation of Chile."

"Mr. Walker Martinez (don C.) believes the idea proposed by Mr. Arteaga very acceptable and very valiant and that it honors the country."

"The administrative and jurisdictional measures would be settled by the indication of the honorable deputy."

"Mr. Balmaceda (don J. M.) confesses that he agrees with the honorable Mr. Arteaga on everything that may refer to the RIGHT OF CONQUEST which aids Chile: but it seems to him that this is not the opportune hour to proceed to the declaration which His Excellency requests. For that reason he will deny him his vote."

"(Session of the Chamber of Deputies of Chile of the 5th of January, 1880)."

The events to which we have referred in connection with the discovery of the guano and saltpetre in the Bolivian desert; the long controversy with Bolivia which ended in the year 1866 when Chile wrested from an insane dictator of Bolivia the treaty of that year and proposed to help him to

conquer the southern provinces of Peru in exchange for the whole desert of Atacama; the secret negotiations of Chile for an alliance with Ecuador and against Peru its ally at the time of the war against Spain; the treaty of 1874 which far from remedying the faults of that of the year 1866 placed new obstacles in Bolivia's way, and finally the futile pretexts based on this treaty of 1874 which Chile alleged to take possession of the entire desert of Atacama without declaration of war and disregarding the arbitration agreed upon with Bolivia, thus constituting itself by one step the boundary neighbor of Peru and thereupon calling the latter country to account and declaring the war for the supposed offense of the defensive alliance of the year 1873 with Bolivia entered into to prevent the appropriation of the saltpetre of both by Chile, this appropriation being precisely the result of that war which the latter country imposed upon them: all this constitutes a very logical association of links in the long chain of incidents of all kinds brought about by Chile to make both ends meet, these ends being the Chilean law of the year 1842 and the despoliation of the saltpetre deposits of Peru and of Bolivia in the war of 1879 to 1883. To this is added the most eloquent circumstance as regards Chilean psychology, that both measures were *unanimously* approved by the Chilean Chambers.

The condition which the Chilean Treasury had reached in 1879 as a result of its immeasurable war preparations did not permit delay in the realization of the war enterprise which the Chilean statesmen had in view and this determined the outbreak in that year of the so long meditated war.

The obligations arising from the Chilean debt, which up to the year 1842 had not been fulfilled with regularity, were henceforth and until the declaration of war on Peru fulfilled with noteworthy punctuality, not because Chile had the resources for that purpose but because it had its aim fixed on

the great enterprise which it had undertaken. Each time that its resources were lacking and that there was danger of the non-fulfillment of the obligations arising from a loan, it negotiated another.

Finally the time arrived when it was not possible to continue securing loans for the purpose of performing the obligations arising from other loans, and this was undoubtedly one of the capital reasons that caused the war to break out when in any other country the result of checking it would have been produced. But in Chile the war was the industry itself and it was necessary to make it produce.

We copy from Bulnes, Vol. 1, P. 184.

“The situation of the treasury was extremely grave, the country was undergoing a very grave fiscal and particular crisis.”

“Paper had been established during the preceding year as compulsory currency under the form of inconvertible bank bill and the weight of our money was worth thirty pennies.”

“The budget of the nation’s expenses fluctuated in the neighborhood of twenty-one million pesos and the revenues did not reach more than seventeen million leaving a deficit equivalent to almost twenty-five percent of the income which was liquidated by means of loans. For the first time since 1843 when the fulfillment of the obligation arising from the external debt became regular, in 1878 Chile found itself in serious difficulties to effect the payment of interests in Europe. In 1877 the loan to cover the budget amounted to five million pesos, in 1878 to four million, and there was a new deficit in the appropriations of the Secretary of the Treasury (Ministro de Hacienda) of almost one million pesos more.”

At page 377 of the same volume:

“The General made the error of causing it to be believed that everything was ready for the cam-

paign when it was not. That error resulted from his not having studied sufficiently the available resources nor the preparations which were necessary. Proceeding thus he encouraged illusions which could not be realized and which produced a disillusionment painful in proportion to the desire of finishing an enterprise which was exhausting the resources of the country. In this contrast of hopes and disillusionments is found one of the causes of the disagreement which existed between the Government and him."

At pages 450 and 451 of the same volume:

"The maintenance and payment of a large army distributed throughout the country with a powerful nucleus at a place unprovided with supplies such as Antofagasta and the maintenance and payment of a navy in action were greater than the economic forces of the republic. The fiscal resources, although invested with scrupulous economy became insufficient to attend to the war."

"Matte, the Secretary of the Treasury (Ministro de Hacienda), on whom falls the greater part of the honor of this parsimonious investment of the fiscal revenues, was terrified at the prospect of the prolongation of the war, and it is probable that his influence should have determined the change of opinion which is observed in the Ministry during the first fortnight of September when the navy was ready to sail from Valparaiso. Matte expressed himself thus:

"To Sotomayor; September 9. As the matter of revenues is that which is most closely related to the war, I wish to express to you my opinion of the situation. As you know we have a fiscal issue of twelve thousand million pesos already authorized. The market circulation cannot demand a sum much greater than that. When the last six millions be exhausted it shall be necessary to resort to other means different from those which we have hitherto employed, means which will of course be infinitely

more painful for the country. Hence the necessity of giving the most vigorous impulse to the operations of the war. In my judgment it is indispensable to prepare with the greatest rapidity in all the elements of army mobilization in order to operate on land immediately whether or not the navy obtain the results which we all expect. I would not be so concerned as to the rapidity with which it is necessary to proceed if it were not that the country has not the resources to sustain a prolonged war."

"September 26th. I have had, he said to him in another letter, the pleasure of receiving your esteemed letter in which you state that you share actively the idea that agitates us all and especially me, namely, that of finding a denouement as rapid as happy. I say especially me because if we do not soon arrive at the end we shall not have any gold which is already gone, nor silver which has already been put on the way, nor paper which is about to be exhausted.

At page 452:

"Santa Maria thought in the same manner:

"September 19. Two words about our purposes which without any discrepancy are your own. We wish that the army be completely ready to move so that, whether the Peruvian ships be beaten or whether they conceal themselves and place themselves in a situation where they cannot be pursued, our soldiers may be able to dash on Tarapaca."

At pages 505 and 506:

"The expeditionary army had embarked on October 28th."

"This was a solemn day for the national patriotism. The heart of three million Chileans vibrated in unison with that chosen portion of them which was going to cement the future of Chile on the sacrifice and on the victory."

At page 521 we find Sotomayor's proclamation:

"You will return he said to them with the consciousness, etc., of having opened a new era of

national history placing the peace, the industry and the prosperity of the Fatherland on broad and insuperable basis."

At page 275:

"After the battle of Tarapaca the General in Chief sent military detachments to several points in the territory to gather up the arms of those scattered and fugitive to prevent small groups of armed men from forming which would obstruct the work on the saltpetre deposits which were the nation's main source of revenue for the continuation of the war."

The straits of the Chilean treasury are an explanation of the vehemence displayed by Chile to take possession of Tarapaca. But they are not the only one nor tell of the hatred and unnecessary cruelty with which the war was carried on. The principal explanation lies in the individual interest which a large number of important Chileans and especially high public functionaries among whom there were legislators and ministers had in the matter. We limit ourselves in this connection to transcribe the following note from page 87 of the history of the war by the Peruvian writer Paz Soldan:

"We have before us the tenth Report of the Saltpetres and Railway Company of Antofagasta corresponding to the semester running from the first of January to the first of June 1877."

"In it we find the following list of the shareholders of said company inserted at page 25."

"The underlined names are those of Chilean public men now in official positions."

"First Issue A."

"Mr. Jose Basterrica—Mrs. Mariana Brown de Ossa—Mr. Evaristo del Campo—*Mr. Maximo del Campo*—Enrique Cood—*Augustin Edwards*—*Escobar y Ca*—*Guillermo Gibbs y Ca*—*Eliodoro Gormaz*—Mauricio J. Garces—Ramon Guerrero—*Jorje 2d*

Huneus—Jorje Hicks—Ambrosio Olives—Francisco Puelma—Federico Puelma—Luis Pereira—Santiago Prado—Julian Riesco—M. Subercaseaux—Cornelio Saavedra (Secretary of War) (Ministro de la Guerra) Rafael Sotomayor—Miguel Jose Urmeneta—Francisco J. Vergara—Jose Eugenio Vergara—Antonio Verax—Miguel A. Varas—Santiago J. Velazquez—Julio Zegers (Secretary of Justice) (Ministro de Justicia)—Enrique J. Walker.”

“*Second Issue B.*”

“Antonio Domingo Bordes—Ernesto Decombe—Escobar y Ca—Augustin Edwards—L. C. Gallagher—Guillermo Gibbs y Ca—Eliodoro Gormaz—J. D. Hunter—C. S. Miller—Luis Pereira—Uldericio Prado—Valentin Saldias—Miguel Saldias—Federico Varela—Enrique J. Walker.”

“It is a fact that Mr. Alejandro Fierro, Secretary of State (Ministro de Relaciones Exteriores) was one of the shareholders as is evidenced by the following document published in the Official Daily of Santiago:”

“SUMMONS:—In the suit by the sindic of the Chacabuco de Caracoles against don Alejandro Fierro to enforce the latter’s liability resulting from the assignment made by him of certain shares of stock, action which is now before the judge of first instance don Javier Arlegui Rodriguez, the Most Illustrious Court of Appeals, second part, has on the ninth instant provided as follows: the papers on file having been seen: Don Alejandro Fierro being absent from the country and don Gregorio Muñoz named his attorney in fact at pages 143, not having appeared for him, serve a summons on the aforementioned Gregorio Muñoz by means of edicts and advertisements in the daily newspapers and, if he do not appear within ten days, communicate whatever may be provided in this action to the defender of absent parties as the representative of don Alejandro Fierro. The decision of fifth instant at pages 149 which has been appealed from is

affirmed in so far as not contrary to this order. Substitute the paper and let this be returned.—Abalos—Prats.—Gandarillas.”

“This notice is given for the legal effects: it being stated that the clerk of the case is don Jose Maria Guzman.”

“The foregoing document lends itself to very grave and sad reflections.”

“The Secretary of State (Ministro de Relaciones Exteriores) who has pushed Chile into the war against Peru and Bolivia to defend the miners of Antofagasta and Caracoles is now found to be involved in a liability action; he absents himself to carry out a diplomatic mission in the Argentine Republic, according to what he says, while the court officers diligently search for him; his attorney in fact don Gregorio Muñoz conceals himself, edicts and advertisements are published in the Chilean dailies, including the Official Daily, and it is ordered that whatever may be provided by the court be communicated to the defender of absent parties in view of the fact that neither don Alejandro Fierro nor his attorney in fact appeared to defend the action on the assignment.”

“Behold here then the thread of a pecuniary entanglement and of a diplomatic scandal which indubitably exhibits the causes of the present war in all their nudity.”

“It is indubitable also that the greater part of the private shares of stock have been already bought by the house of Gibbs there remaining in Chilean hands only those of the Ministers, Senators, Deputies and other personalities of official rank.”

Finally, there enters as a principal factor in the conditions of the war which we have pointed out, Chile's fear that the United States or the great European powers should intervene in it and should wrest from it the coveted prey. Its situation was truly unsustainable before a more or less energetic intervention because it was neither sufficiently powerful

to resist nor could find support in justice for it was outside of all the rules of international law.

The war had in fact ended with the capture of the Huascar: because Peru was absolutely vanquished and at the mercy of Chile and the latter could impose on it all the conditions of the conqueror without needing to exert any effort; because in the case of an unlikely resistance by Peru it was sufficient for Chile to blockade all its coast which not only deprived Peru of all its resources but filled Chile's purse. The Chileans without any discrepancy have acknowledged this fact amply confirming the theory already set forth that whomsoever possesses the sea that bathes the coasts of the two belligerent countries has the war won.

Why then did Chile not impose peace and why instead did it undertake a terrestrial campaign which would sprinkle with the blood of its own sons and with that of the Peruvians besides, the practically defenseless land of the latter?

It was precisely at that time that the first mediation of the functionaries of the United States took place. That mediation is related in all its details by the same Chilean historian Bulnes at page 423 of Vol. I and the result of it was that which he expresses in the following paragraph at page 425:

"The president and the cabinet accepted the proposal regarding Bolivia but not so Peru and the first diplomatic step of the North American Secretary of State terminated. The text of the Chilean reply which was drawn up by Varas reads as follows:

"Regarding the matters with Peru, although the bases proposed correspond to a great extent to the object of the war, the disloyal conduct of Peru or of its government in preparing for the war at the same time that it gave Chile signs of friendly and pacific sentiments and in appearing as a mediator when it was bound by a secret treaty of alliance with Bolivia, our enemy at that time, furnishes just motives to the

country and to the government for not considering themselves satisfied with the solution of our present questions by means of arbitration and to exact securities that in the future Peru will not execute treaties such as that of February 1873 which it has maintained secret during six years awaiting doubtless the occasion of being our aggressor to advantage—a treaty which strictly considered did not bind it to make war—if we do not wish to run the serious risk of remaining subject to a permanent threat to our external security and to being always prepared to repel it.”

The pretexts of Minister Varas to practically reject the mediation as regards Peru, he having accepted it as regards Bolivia which country in the opinion of Chile, had provoked the war, cannot naturally be taken seriously. The true explanation of this is that Chile was still concealing that it had already obtained from Bolivia all that it had desired, that is, the entire desert of Atacama with all its riches while Peru still possessed the province of Tarapaca with its riches. And this was Chile’s principal objective.

It was necessary, against wind and tide, to take Tarapaca within the least possible time and to check in the meantime all intervention until Chile should be able to allege as a title, possession and the blood of its sons shed to obtain it.

The Chilean army, therefore, embarked at Antofagasta and landed at Pisagua notwithstanding the heroic opposition of the small Peruvian garrison; it thus cut Peru’s line of defense and thereupon marched on the bulk of the Peruvian army of Tarapaca which was reduced in numbers by the absence of three thousand Bolivians whom President Daza caused to counter-march at the best opportunity so that they should not take part in the battle. The Peruvian army was moreover depressed and demoralized by volleys fired on it from the rear by Bolivian troops which took part in the bat-

tle and by the abandonment of the field by those same Bolivian troops which did not stop until they reached Bolivia.

No one denies these facts, they have not been satisfactorily explained, and it is natural that, in the absence of such explanation, they be connected with the repeated negotiations of Chilean agents with Bolivian chiefs to separate Bolivia from the alliance in consideration of helping it to conquer Tacna and Arica. The "War of the Pacific" by the Chilean historian Bulnes, Vol. I, Pp. 226, 329, 598, 627, 629, 638 and 720, may be consulted in this regard.

After the battle of San Francisco or of Dolores to which we have already referred, Tarapaca remained under the control of Chile in spite of the Peruvian victory in the battle of that name (Tarapaca) obtained by part of the reorganized remains of the Peruvian army which had to go immediately to join the Peruvian forces which later took part in the battle of Tacna.

Once the Chilean army was in possession of Tarapaca, no one in Chile any longer concealed which had been the object of the war nor the unspeakable joy that having reached the goal caused to all Chileans.

The Chilean army already counting on the triumph at the time of leaving Antofagasta, the army's Chief of Staff thus proclaimed it:

"You will return with the consciousness of having opened a new era of the national history placing the peace, the industry and the prosperity of the Fatherland on broad and insuperable basis." Bulnes "Guerra del Pacifico" Vol. I, P. 521.

After the battle of Dolores, the historian Bulnes writes in Vol. I, P. 640 of the "Guerra del Pacifico":

"The campaign of Tarapaca was virtually terminated because although it is true that a heroic and unfortunate event (the battle of Tarapaca) clouded its

brilliant aspect, in fact the occupant, the traditional lord of that territory, abandoned it forever, and a new owner will cover it henceforth with its sword and with its law."

The same Bulnes in Vol. I of the aforesaid work at page 34, referring to the grudges between the chiefs and the government when the campaign on Arica was being effected, writes:

"The campaign moved in this atmosphere."

"With this human mud was made the gold dust of the war of the Pacific."

And in the conferences of the same port of Arica on board the *Lackawanna*, the Chilean plenipotentiaries dared to present, without circumlocutions of any sort and with the character of ultimatum, the cession of Tarapaca as principal condition of the peace.

Tarapaca was therefore unquestionably the object of the war declared by Chile on Peru under the futile pretext of a secret treaty of alliance with Bolivia which treaty Chile knew immediately after its execution and possibly even before then; a treaty which had for its object precisely to protect the allies against the conquest of its saltpetre lands which they saw in the distance and which was now an indubitable fact.

In any case, either the motive of the war was other than the appropriation of Tarapaca or it was its appropriation. If the former, the cession of Tarapaca contained in the treaty of peace is not explainable nor can be the termination of the war and is consequently a cession without cause and consideration and as a result does not bind Peru. If the latter, the war had an object which in the Chilean opinion is not only unjust but inconfessable and doubtless subject to the opposition of the whole world and especially of America.

In any case, the final result is that the cession of Tarapaca included in the treaty of peace of 1883 does not bind Peru and is perfectly null.

"War is just when international law authorizes recourse to arms; unjust when it is contrary to the principles of that law.

"This principle is not only a rule of morals but a true principle of law. It has not its true great practical value at present because each one of the parties affirms the justice of its cause and there is no judge to decide as to the value of their assertions. Nevertheless that distinction between the law and morals has already some effects today, especially concerning the obligations of allies and the intervention of neutral powers; the allies owe their cooperation when the war is just; third parties are entitled to intervene when the war is iniquitous." Bluntschli "Droit International Codifié" P. 301.

In the present case, strange to say, the difficulty which Bluntschli points out in connection with the application of the principle that the unjust war ought not to produce effect and may be the motive of intervention, does not exist because according to Chilean criterion itself the cause of the war of 1879 was not only unjust but inconfessable.

V. The treaty of peace does not therefore bind Peru and we hope that it will not either implicitly or explicitly on any account renounce the expectations which the foregoing considerations hold open for it.

Suffice it to say at present that the object of the war having been the conquest, unknown in the South American law, absolutely unfounded and unconfessed by Chile, the latter has none of the rights which victory gives in war the injustice of which is not obviously demonstrated as in the present case and, on the contrary, is liable for all the damages which it caused Peru with it.

The possession of Tarapaca constituted the second great stage of the war, and this time as the first, when Peru lost the Huascar which was its only war weapon worthy of being taken into consideration, it was natural to expect that the

Chilean invasion would cease. But the violation of justice has its unbreakable logic.

Chile did not feel secure in Tarapaca. It had the consciousness of its injustice and this inspired it with two purposes instead of one which it had had before: that of pressing Peru in order that the latter might give it a title, which Chile was absolutely lacking, with which to legitimize in some way the possession of Tarapaca, and that of reducing Peru to the most complete impotency possible in order that it should not later rise against Chile, aroused by the frightful injustice of which the latter had made it a victim. To effect these purposes it conceived the most cruel of wars of destruction that has been witnessed in modern times between two Christian countries they being, besides, of the same race, having a common history, speaking the same language and belonging to a continental community founded mainly on identical principles of fraternity, independence, liberty and honor which the rules of their private and public laws have inspired: the *uti possidetis* of 1810 and arbitration were always the two axes of the relations between the members of this community, the former insuring the territorial integrity of each one of them within the boundary with which they were born to the independent life and the second preserving harmony through even the gravest disputes.

Chile mortally wounded all this beautiful building to nourish its excessive ambition for wealth and did not hesitate in sailing along the extensive Peruvian coast with its ships bombarding its defenseless forts, burning all the communities, plantations and factories of its numerous valleys and carrying the war up to the capital which escaped burning and destruction only through the energetic intervention of the neutral navies anchored at Callao which could not, nevertheless, prevent the destruction of all the communities which the Chilean army went through prior to arriving there. The detailed

narration of the incredible events which we have just outlined is found not only in the works written by the Peruvians but in the more numerous works written by Chileans in which phrases of just reproach are not scarce. We shall cite here Barros Arana, Bulnes, Vicuña, Mackena, Chileans; Sir Clements R. Markham, C. B. F. R. S., British, and Paz Soldan and Mautua, Peruvians, and we shall prescind of the rest because works on this subject are so numerous. The facts involved have had so much resonance in the world that we deem it superfluous to insist on the matter and we proceed to deal with how indispensable for Peru is the treasure which at the end of three years of occupation of its capital it had to cede to Chile by the treaty of peace.

VI. As a result of the height of the Andes which back up the coast of Peru and of the currents of the ocean which bathes it, it never rains on that coast which is for this reason an immense sandy desert cut at more or less fifty points only by torrential rivers which descend from the snow covered peaks towards the sea and irrigate the lands through which they run forming precious oases the production of which is, however, far from weighing in the balance as does in space the expanse which surrounds them. But all has its compensation in nature, and if it has denied to the Peruvian coast the immense benefit of the waters from the sky it has given it the accumulation of substances such as the guano and the saltpetre the formation of which the rain prevents on the lands which it waters and which would serve Peru to extract, by selling them as fertilizer for agriculture and other uses on lands better endowed, the articles which it cannot produce, and to obtain from them also the means of extending its scarce agriculture by artificial irrigation.

Chile has broken this equilibrium established by nature and has left the coast of Peru deprived of both rain and the products which are formed in its absence and which serve as a

substitute for it, whereas the Chilean coast where the clouds are less miserly is an inexhaustible source of wealth and of beauty on which the Chilean people always find productive and delightful work. The products of the immense desert which is outside its boundaries were not needed by it and in its hands they serve only for the luxury of the leading classes, for armament disproportionate to its population and its natural production and for an ostentatious diplomacy and a propaganda in favor of its interests and of its ideals which all the world is appreciating at what it is worth, not by what it costs, which is a great deal, but for what it teaches, which is nothing or something less. Chile has then also broken its own equilibrium and has compromised by this deed its future which it thought to insure and which was then notably clearer.

Chile does not wish to acknowledge as the allies of Europe in the last war have acknowledged that one cannot ruin the neighbor without causing one's own ruin and that the saltpetres and the guanos of the desert of which it has despoiled its owners, to the great detriment of their progress and production, will sooner or later cause its own ruin through moral and economic considerations which have become indisputable.

America, not blinded by interest as the men who direct Chilean policy, fortunately knows what to believe and in one way or another it will reestablish the wise order of nature destroyed by the most unjust and most cruel of the wars.

VII. Meanwhile Chile continues to ascend along the path which leads it away from justice and from reparation to the allies of 1879 but which certainly does not lead it to a higher place in the opinion of America nor to a greater prosperity in the commercial dealings with its people nor to a higher level in its interior progress and sociability.

Chile continues effectively disturbing the tranquility of the vanquished of 1879 and breaking with unheard of lack of practical sense the treaty of peace which gave it, using Bulnes'

expression, the gold dust of Tarapaca pursued indefatigably during forty years.

Peace had just been signed and Chile continued the conquest to which it put an end extending itself through territories and communities on the province of Tarata and even of the Department of Puno and refusing to return them under pretexts no more sound than those which it alleged to declare the war. The question of Tarata is also already forty years old during which years Chile has been restraining its determination and aggravating the deed in exactly the same way that during the previous forty years it had resisted the just claims of Bolivia at the same time that it already advanced into its desert with the aim of awaiting a propitious occasion to finally obtain a title of ownership and to begin anew on the basis of what it should offer it. There cannot be peace with Chile because war is its industry.

More serious still is the violation which Chile has made and continues to make of the third clause of the treaty of peace which says:

"The territory of the provinces of Tacna and Arica which bounds . . . shall continue to be possessed by Chile and subject to the Chilean laws and authorities during the period of ten years counted from the date of ratification of this treaty of peace. At the end of this period a plebiscite will decide, by popular vote, whether the territory of the said provinces remains definitively under the ownership and sovereignty of Chile or continues to be part of the Peruvian territory. That one of the two countries to which the provinces of Tacna and Arica remain annexed shall pay to the other ten million pesos Chilean silver currency or Peruvian soles of equal alloy and weight."

"A special protocol which will be considered an integral part of this treaty will establish the form in which the plebiscite shall take place and the terms

on and the periods within which the ten millions shall be paid by the country which remain the owner of the provinces of Tacna and Arica."

Chile avoided with different pretexts the verbal insinuations of the Peruvian functionaries to execute the protocol contemplated in the last part of the transcribed clause until April of the year 1892, when the Peruvian Foreign Office formally initiated the negotiations for the execution of the complementary protocol provided for in the treaty of Ancon and from said date until now it has not been possible to reach any definitive results. The course which these negotiations already more than thirty years old have followed, which it would be impossible to state here in all its details, has been thus summarized by Dr. Victor M. Maurtua in his recent work "Sobre el Pacifico del Sur" at page 159.

"The weight of the whole treaty of Ancon has fallen on Peru. A disastrous diplomatic instrument without any doubt! And nevertheless Peru has performed it loyally. One only clause left some hope: the recovery of the heroic provinces of live and intense loyalty. Peru has not been able to obtain the holding of the plebiscite on which their restitution depended."

"In 1892, 1893 and 1896 it made efforts to recover its provinces by means of direct settlement or by plebiscite. In vain. On the termination of the period of ten years provided by the treaty for the Chilean occupation Peru demanded that its provinces should be returned to its administration. This was refused it. In 1892, 1894 (twice), 1896, 1898, 1900, 1905, 1907, Peru insistently claimed the plebiscite. Chile refused to effect it pretending to proceed itself and without any guaranty of sincerity to consult the popular will giving the right to vote to the persons which it should designate and under the conditions which it should deem proper to confirm its conquest. Peru proposes to entrust the zone of the plebiscite to an international commission. New Chilean refusal. Peru of-

ferred to resort to arbitration to settle the difference and to determine the proceedings of a popular consultation. Chile refused arbitration. Peru entered into two agreements with the Chilean government: one in 1894, the other in 1898, the latter was fully perfected for the holding of the plebiscite. Chile withdrew from the first of said agreements and its Parliament rejected the second because it contained an arbitration clause regarding certain formalities of the plebiscite. Chile to check the Peruvian effort undertakes the denationalization of the provinces and their assimilation in a tyrannical way. Peru fought this policy, interposed claims against it one hundred times, denounced it as a fraud against the treaty. Chile disregards these claims and continues its work expelling the Peruvian element, appropriating the real estate, arbitrarily importing immigrants for the purpose of Chilean colonization. Finally, when after twenty years its occupation title had lapsed and it could believe its work of denationalization ended, it invited Peru in 1909 and 1910 to a plebiscite. Chile even then did not propose to organize a true popular consultation: It declared that the third article of the treaty of Ancon constituted a disguised annexation, the plebiscite would be held under the control of its authorities and for the purpose of legalizing the annexation. Such is, in a few words, the synthesis of the affair."

So Chile has violated the third clause of the treaty of Ancon. There is not the least doubt of this. The development of the negotiations recorded in detail in the reports of the Foreign Offices of the two countries, the narratives of their newspaper men and historians, everything, everything, tends to confirm the most absolute and complete evidence on this matter. We shall not therefore insist on it and we shall finish by copying from the book "*Documentos Esenciales del Debate Peruano-Chileno*," already mentioned, Vol. II, P. 163 the following conclusive documents:

"D. 67.—BULNES THE OFFICIAL CHILEAN HISTORIAN STATES THAT PERU HAS ALWAYS WISHED TO FULFILL THE TREATY OF ANCON AND THAT THE POLICY OF CHILE HAS BEEN ONE OF VACILLATIONS AND OF CURVES."

"Peru has had live interest in that the plebiscite be held. To deny it is to place oneself in a bad situation because it can prove the contrary by merely exhibiting the diplomatic documents. The reasons of that interest are very clear and may be condensed as follows:

"1.—Chile was in possession of the disputed thing and the only means that Peru had of recovering it was to press it to comply with the condition provided in the treaty. Consequently the natural part of Peru during the gestation of this affair was "active," that of Chile "passive."

"2.—Peru has been listening to the clamor of the inhabitants to incorporate themselves in their ancient nationality and by patriotism and even by decorum it could not show itself unfeeling to that pressure."

"3.—Peru has had blind confidence in the plebiscite. The Peruvian policy has been firm from the beginning of the debate and ours has had all sorts of vacillations and curves. The Peruvian objective could not vacillate because its ancient desire has been to recover its ancient provinces causing the plebiscite to be held under the control of a foreign authority and trying to obtain the greatest facilities for the payment of the ransom."

"On the other hand Chile has worked one day to win the plebiscite for its own benefit, another to make a gift of the territory to Bolivia, another to deliver it to Peru and naturally its action has been weak and it has made declarations and stated contradictory and dangerous principles."

"Gonzalo Bulnes."

"D. 68.—THE CHILEAN SENATOR ROSS DECLARES THAT CHILE HAS HINDERED THE REALIZATION OF THE PLEBISCITE AND THAT IN THE OPINION OF THE BRITISH DELEGATE MR. BUNSEN ITS SITUATION IN THIS REGARD IS FALSE AND UNSUSTAINABLE.

"The period of ten years for the holding of the stipulated plebiscite ended in 1893, twenty-eight years ago, and that act has not been performed."

"Why? We can in conscience affirm that it has not been performed because Chile has hindered its performance by opposing all kinds of difficulties and of dilatory measures."

"In Chile, Peru has been blamed for the delay in the arrangements for the plebiscite but it does not seem that this argument could be proved. On the contrary, in Peru Chile is blamed."

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"The situation is very clear; the "entente" triumphing in the war which is very probable, and international tribunal will be organized the jurisdiction of which will embrace all the countries of America. It is proclaimed by President Wilson in the name of all the belligerent nations; it is supported by Great Britain; it is accepted by Peru which proposes to claim its rights before it. Peru will certainly be one of the members of the League of Nations and shall cause itself to be heard."

"If the actual situation continues Chile will see itself compelled to accept the arbitration of the tribunal of the League of Nations as to the realization and form of the plebiscite. That the verdict of the tribunal will be contrary to Chile there is no doubt."

"Mr. Bunsen as an experienced diplomat took good care as much in Chile as in Bolivia and in Peru not to manifest his opinion on the Tacna and Arica question. But we may now affirm with full knowledge of the case that Mr. Bunsen has studied with his secretary all the antecedents of the Tacna and Arica

question between Peru and Chile and has formed the firm personal opinion that Chile has failed to fulfill its obligations established in the treaty of Ancon and that it finds itself in that regard in a false and unsustainable situation."

"This is an important and not very favorable antecedent for Chile in this delicate question. The plebiscite will be held and the result will be at least very doubtful for Chile. We would have to submit to the impositions of the tribunal bearing the consequent shame and probably would have to submit also to have the territories of Tacna and Arica returned to the jurisdiction and sovereignty of Peru and remain partitioned from Tarapaca."

"Augustin Ross,"

"Revista Chilena."

As international authority we transcribe the following:

"To break a treaty of peace is to violate the agreements entered into in it either by doing what it forbids or by not doing what it prescribes. One may fail to perform the obligations arising from a treaty in three different manners: by conduct contrary to the nature and to the essence of the treaty of peace in general or by acts incompatible with the particular nature of the treaty or finally by violating some one of its express articles."

"One acts against the nature and the essence of every treaty of peace, against peace itself, when one disturbs it without cause, either by taking up arms and renewing the war although one cannot allege even a scarcely plausible pretext or by offending the mental comfort of the one with whom the peace has been made and by treating it or its subjects in a manner incompatible with the status of a nation and which it cannot suffer without failing in its self respect"

"The second way of breaking a treaty of peace is by doing something contrary to that which the particular nature of the treaty requires. Thus every act con-

trary to friendship breaks a treaty of peace made under the express condition of living forever as good friends. To favor the enemies of a nation, to treat its subjects harshly, to molest its commerce without cause, to prefer another nation to it, to refuse it necessary supplies for which it wishes to pay and which could be spared, to protect its conspirators or rebels, to give them asylum: all those are acts equally contrary to friendship"

"Finally peace is broken by the violation of some one of the express articles of the treaty. This third manner of breaking is the most decided, the least subject to evasions and chicanery. Whichever fails to perform its obligations annuls the treaty as much as it is in its power to do so; there is no doubt of that."

"Pretended delays are the equivalent of an express refusal and they do not differ from it except by the artifice with which the one which makes use of them would wish to cover its bad faith. It adds fraud to perfidy and really violates the article which it ought to comply with."

"When the treaty of peace is violated by one of the contracting parties the other may declare the treaty broken or let it subsist; because it cannot be bound by a treaty which contains reciprocal agreements towards one which does not respect that very treaty"
Vattel *Droit Des Gens* Pp. 747, 751, 752 and 756.

"To recommence a war, by breach of the articles of a treaty of peace, is deemed much more odious than to provoke a war by some new demand and aggression; for the latter is simply injustice but, in the former case, the party is guilty both of perfidy and injustice. The violation of any one article of a treaty is a violation of the whole treaty; for all the articles are dependent on each other, and one is to be deemed a condition of the other; and a violation of any single article overthrows the whole treaty, if the injured party elects so to consider it. This may, however, be prevented by an express provision, that if one article be broken, the others shall, nevertheless, continue in full force. There is a strong instance in the history

of the United States of the annihilation of treaties by the act of the injured party. In 1798, the Congress of that country declared that the treaties with France were no longer obligatory on the United States, as they had been repeatedly violated on the part of the French Government, and all just claims for reparation refused." Kent "International Law" P. 420.

The act of Congress "annulling" the treaties follows:

"Whereas the treaties concluded between the United States and France have been repeatedly violated on the part of the French Government, and the just claims of the United States for reparation of the injuries so committed have been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations have been repelled with great indignity; and whereas, under authority of the French Government, there is yet pursued against the United States a system of predatory violence, infracting the said treaties and hostile to the rights of a free and independent nation:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States are of right freed and exonerated from the stipulations of the treaty and of the consular convention heretofore concluded between the United States and France, and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States.

"Approved July 7, 1798." 1 U. S. Stat. 1-578.

"The violation of any one article of the treaty is a violation of the whole treaty; for all the articles are dependent on each other and one is to be deemed a condition of the other. A violation of any single article abrogates the whole treaty, if the injured party so elects to consider it. This may, however, be prevented by an express stipulation, that if one article be broken, the others shall nevertheless continue in full

force. If the treaty is violated by one of the contracting parties, either by proceedings incompatible with its general spirit, or by a specific breach of any one of its articles, it becomes not absolutely void, but voidable at the election of the injured party. If he prefers not to come to a rupture, the treaty remains valid and obligatory. He may waive or remit the infraction committed, or he may demand a just satisfaction." Wheaton "International Law" P. 621.

There is not then any difference of opinion among the international law authorities on the point that the violation of a clause by one of the contracting parties entitles the other to consider the treaty null or lapsed.

A slight discrepancy exists regarding the kind of the obligation violated or not fulfilled and some authors insist that it must be essential, in the light of the nature of the treaty, or of unquestionable importance. But nothing more essential can be conceived in the treaty of Ancon than the obligation contracted by Chile in the third clause because the third clause was the only point of discord in the final conferences which preceded the execution of the peace and only the irrevocable resolution of the Peruvian negotiators which did not yield the rights which said clause gives Peru resulted in its acceptance by the Chileans.

Nothing can be considered more essential in a treaty than that stipulation without which it would have been impossible to make the treaty, because its insertion signifies that in the final accord of the parties both agreed that the existence of the treaty was dependent upon that stipulation. And that Peru exacted the third clause as an irrevocable condition is proved by the record of the negotiations which preceded the signing of the treaty.

As it would not be possible to transcribe here all the documents in point we shall limit ourselves to the following two which we take from the Biblioteca del Mercurio Peruano's

"Documentos Esenciales del Debate Peruano Chileno" published by the Comité Patriótico Peruano, Series A. Vol. 2, P. 83:

"THE TREATY OF ANCON AND THE NATURE OF THE PLEBISCITE PROVIDED FOR IN IT."

"D. 40—BASIS PROPOSED TO GENERAL IGLESIAS AND REJECTED BY THE LATTER."

"In January of the year 1883 the plenipotentiary Mr. Novoa presented to Mr. Castro Saldivar a memorandum of note containing the following bases:

"No. 1.—The absolute and unconditional cession of Tarapaca.

"No. 2.—The sale of Tacna and Arica for ten million pesos payable three at the time of ratification of the treaty and the remaining seven in two, four and six years;

"No. 3.—The territories ceded and bought do not acknowledge Peruvian debt."

"As regards the guano and the saltpetre, the contract entered into and the decrees of the supreme government of Chile on the matter shall be faithfully fulfilled."

"No. 4.—As to the islands of Lobos, Chile will continue to administer them until the termination of the contract of sale of the million tons and when the treaty be ratified and exchanged Chile will deliver to Peru the fifty per cent net which it now reserves for itself;"

"No. 5.—Subsequent agreements will provide for the commercial relations and the indemnities due to the Chileans."

"D. 41.—DECLARATION OF THE CHILEAN NEGOTIATOR NOVOA ON THE REFUSAL OF PERU TO SELL TACNA AND ARICA AND ON THE VERIDICAL AND FREE NATURE OF THE PLEBISCITE WHICH WAS PROPOSED."

"Mr. Novoa says in his letter to Mr. Castro Saldivar:

"It having been declared by me that it was not even possible to enter into discussion regarding the cession of Tarapaca, Mr. Lavalle as well as you went on to object to the second proposal relating to Tacna and Arica. You expressed to me that you did not accept the proposal for ten millions nor for any sum because not only were there Peruvian interests in that territory which already involved an immense sacrifice but there was also Peruvian population. You further made a series of observations in this regard."

"For my part, I manifested to you that the situation created by the war rendered the possession of those territories necessary for Chile, and that the circumstance that there existed Peruvian population there was not such a serious obstacle and was on the other hand what always happened in analogous cases. That in the primordial interests of peace that was not an obstacle. You insisted on your observations and it was left up to both sides to think the matter over further and to try to arrive at a conclusion at a conference to be held soon thereafter."

"On the 9th of April we again met in Chorrillos and resuming the previous conference the territories of Tacna and Arica were again the subject of discussion. After a prolonged discussion the idea of the plebiscite such as the treaty of the 20th of October has recorded it was accepted. Agreed upon this idea, Mr. Lavalle requested that if the popular vote declared that Tacna and Arica should remain forever under the ownership of Peru the latter did not have to pay ten millions of pesos since it did not acquire but simply kept what was its own. I insisted that it was necessary to establish reciprocity since whether this territory should later be Chilean or Peruvian depended on the popular vote and not on the will of either of the contracting parties."

Every treaty between two nations is in general subject to the same rules which apply to a bilateral contract between

two private parties: each one owes the equivalent of what it receives: what does conqueror give in a treaty of peace in exchange for receiving from the conquered all that was the object of the dispute or immeasurably more as in the present case? It gives the peace, the suppression of the force which oppresses the vanquished and the restitution of all the manifestations of consideration and friendship which are substituted for the hostilities of the war.

Well then, Peru has not had peace since it signed the treaty with Chile. It has not received in any form or proportion the equivalent of the immense sacrifices which were exacted from it. The treaty, therefore, if it ever bound Peru, has ceased to be binding upon it.

It is fully evident then that the treaty of peace of 1883 has lapsed due to the non-fulfillment of the third clause and by Chile's opposition to it during thirty years, besides being null from its inception as we demonstrated before.

We the natives of Tarapaca consequently have the most just and gratifying outlook of the devolution of Tarapaca to the Motherland and of living again in the land of our birth whence we have been driven by the invader.

This anticipation must now convert itself into reality as a result of the work of the conference which is about to be held in Washington.

VIII. We cannot expect that the conference ignore our rights which are also those of all Peru because if such a thing should happen, these other two would also happen: the work of the conference would be truncate and its results no less truncate, and we not only would remain in the sad and ruinous condition in which we now find ourselves but we would lose the hope of obtaining in the future the restitutions to which we are entitled, since a settlement between Peru and Chile, in the absence of the force which exerted pressure on the former when the treaty of peace was executed, would

signify a clean title to all that which that treaty granted to Chile should it not be altered by the conference, and would signify besides, implicitly or explicitly, the guaranty of that great republic to the maintenance of the iniquitous conquest which tore us from the Motherland.

IX. Finally, if a treaty should be signed in Washington without considering the rights of Peru to Tarapaca or without conceding them to it, the conference would have been a failure because Chile once the irrevocable owner of Tarapaca, Bolivia would irrevocably also remain deprived of every outlet to the ocean and of all hope of having it so long as the new treaty should subsist. Chile could not then be willing to return to Bolivia the desert which it wrested from it nor any part of that desert because however small that part should be it would always cause a gap in what would have become with unassailable title Chilean property.

It is possible that Chile would then go back to the old theme of giving Bolivia a port at the expense of Peru. However much an eighty years' incubation may have naturalized in the Chilean minds this idea that Peru besides granting its own to Chile ought to pay for the latter's trespasses against Bolivia, Bolivia would not dare to accept such a present nor could America and the world fail to condemn it.

In any case, a problem would have remained without solution, and if it should solve itself in some way, as naturally would happen because nations as well as rivers know how to open for themselves an outlet to the sea, there would be in America a commotion, if not two or more, and, meanwhile, intranquility with all its consequences and dangers. The indubitable common sense of the Government of that great republic gives us the most deeply rooted hope that that will not happen and that if the conference should not entirely solve the problem of the South Pacific, it would at least not close the door to just subsequent solutions.

CABLE ADDRESS TO PRESIDENT WILSON BY THE NATIVES OF TARAPACA.

LIMA, February 8th, 1919.

TO PRESIDENT WILSON,

1.5 P. M.

Paris.

We, natives of Tarapacá, of Tacna and Arica, after having supported for more than thirty-eight years the suffering of a cruel captivity, find ourselves today expelled violently by Chile from the land where we were born.

Perú is unable to protect our rights, as much owing to the fact that it is unprepared for war as owing to its acceptance of the wise counsel of the United States of avoiding any solution by force.

Under these conditions and before the indifference of the other Governments of South America, we gather to ask justice from the eminent man who in 1918 proclaimed so that the whole world might hear, the most sublime principles of international justice, and who, placing at the service of these principles the colossal forces of his country, triumphed against the despotism and arbitrariness which ruled in some States of Europe.

In order that your Excellency may appreciate the justice of our cause, we give here a brief summary of the conflict pending between our country and Chile.

Perú, which possessed a great territory and such fabulous riches as that contained in the guano and the nitrate, coveted nothing from the other countries of America; while Chile, poor in resources and with a closely circumscribed territory, was possessed of the insistent desire of enriching itself and extending its soil at the cost of the neighboring nations.

In 1871, Chile contracted for two powerful armoured cruisers and a large quantity of other warlike elements,

which gave it a notable military superiority on the Pacific.

Perú in order to meet the danger which threatened the peace in this part of the American Continent accepted in 1873 the purely defensive alliance proposed by Bolivia; an alliance in which unfortunately they did not succeed in including the Argentine Republic, which would certainly have prevented the war of conquest of 1879.

In that year Chile completed its armament and believed that the moment had arrived for the realization of its ambition. Availing itself of a petty protest, Antofagasta was invaded, thus violating the arbitration agreement which it had collaborated with Bolivia, and replied to the friendly intervention of Perú by declaring war.

Better armed than its opponents Chile gained the war and after a struggle of more than four years and occupation of the capital of Perú by the Chilean army, peace was proposed.

Chile imposed as a condition the cession of Tarapacá, where were located the guano and nitrates which it desired, a pretention which was refused by Perú.

General Hurlburt, the American Minister in Perú, made known to the Chile representative that his instructions were: "To work earnestly for the celebration of a treaty of peace eliminating the cession of territories, whether as a previous question, or as a fundamental basis of a treaty," and in the memorandum which he addressed to the Chilean chief on the 23rd of August, 1881, he said: "As there never has existed any question of limits between Perú and Chile, consequently there are no frontiers to delimitate; and as Chile has repeatedly stated, publicly and officially, that it has no intention nor design of forcibly annexing territory, we are of the clear opinion that now such an attitude would not harmonized with the dignity and with good faith of Chile, and would be disastrous for

the future tranquility of both countries, and engender a grave enmity that would constantly be manifested by disturbances. Such a procedure on the part of Chile would be regarded with great disfavor by the United States."

Unfortunately for Perú the assassination of President Garfield occurred at this time and shortly afterwards Mr. Hurlburt died violently and suspiciously.

The new President of the United States did not follow out the foreign policy of his predecessor, and Perú conquered, without elements of war, and exhausted by a long struggle was obliged to sign the peace of Ancón, imposed by force, and according to which Chile appropriated the department of Tarapacá and was to occupy Tacna and Arica for ten years.

When this treaty of peace was discussed we the inhabitants (natives) of Tarapacá presented a protest whose conclusions were:

1st.—Not to recognize neither to accept as valid any treaty to be celebrated by Perú in which may be stipulated the cession of our department to Chile, or any other State, whatever may be the Peruvian Government celebrating it and the source from which its authority emanates.

"2.—In the event of the condition mentioned in the preceding articles being carried out, to resume our innate right of sovereignty to be made effective in such form, how and when convenient, remaining annulled "de facto" the covenant convention uniting us to Perú.

"3.—Not to accept the appeal to the wishes of the inhabitants of our department, unless the voting is confined exclusively to the citizens born in this territory, the only ones who have the right to decide as to its future destiny, the voting to be carried out with full guarantees.

“4.—To remain loyal to the Peruvian laws, to follow the dispositions of its recognized authority and to accept the common fate reserved for Perú in the present or in whatever other emergency while the principles of its territorial integrity written in the fundamental charter of the State, are observed.

“To opportunely determine the manner of making effective those resolutions and giving them due publicity according to the turn of events.”

We, the citizens of Tacna and Arica presented a similar protest but Chile employing the same methods used by Germany against France in 1871, forced Perú to sign the treaty which it imposed.

This treaty wrung from us by force, signed by functionaries who were not the legal representatives of Perú, and approved by a Congress in which there were no representatives from Tarapacá, Tacna, Arica and many other provinces of the Republic, violated the Peruvian constitution, which prohibits the celebration of agreements affecting the territorial integrity or the sovereignty of the nation.

Chile, which with the wealth taken from Tarapacá was able to increase considerably its military power, never complied with the treaty of Ancón wherein it might favour Perú. It commenced to take possession of the province of Tarata, adjoining that of Tacna, and placed every obstacle to hinder the establishment of the basis for the realization of the plebiscite, which would resolve definitely the nationality of Tacna and Arica.

In the year 1898 Chile had serious difficulties with the Argentine, and fearing war with this nation, consented to sign the Billinghurst-Latorre protocol, which established the condition of the plebiscite. This protocol was approved by Perú and also by the Chilian Senate; but as, in the meantime, the conflict with the Argentine had been

arranged, the Chilian Chamber of Deputies refused its approval.

After that Perú took repeated steps to established the conditions of the plebiscite; Chile not only ignored these representations, but commenced in Iquique, Pisagua, Tacna and Arica, a campaign of persecution against Peruvians for the purpose of obliging them to abandon these territories.

In 1910 and 1911, the Peruvian schools were closed, and Peruvian priests were expelled by force, the employment of Peruvian port workmen in Iquique, Pisagua and Arica, was prohibited, printing shops in which were published four Peruvian periodicals, were destroyed, Peruvian clubs at Iquique, Tacna and Arica, were also destroyed, and what were considered the most representative Peruvians were compelled to leave these cities.

On the declaration of the last European war, Chile manifested its open sympathy for Germany, and as concrete and notable evidences of that sympathy, we cite the two following illustrations: The Chilian authorities of Magallanes advised the German squadron of the place where they could find the British Pacific squadron, and thanks to this information, the latter was attacked and sunk off the Chilian port of Coronel; when news was received of one of the German triumphs in French territory, a portion of the Chilian army marched through the streets of Santiago singing "Deutschland ueber alles."

Happily, thanks to the powerful aid rendered by the United States, Germany was vanquished, and as this defeat signified for Chile the disappearance on its dreams of imperialism in South America, it has believed it convenient to prepare to resist the dictates of international justice, and at the same time that it employs against the Peruvian resident in Tarapacá, Tacna, Arica and Antofagasta, an arbitrary and cruel procedure of sack, assault,

incendiarism and assassination, its Chancellery endeavors to deceive other nations, brazenly denying these outrages, which are public and notorious.

If your Excellency would condescend to send a commission of honorable persons, proofs will be given this commission that Chile expelled by force the Peruvian Consul from Iquique, and that in this city as well as in Pisagua, Tocopilla, Tacna, Arica and Antofagasta, so called "patriotic Leagues" have been organized with the purpose of instituting manifestations against Peruvians, who are physically assaulted in the streets and in their houses, which are sacked while under the custody of soldiers they are turned out of these territories; it will be found that the powerful North American Company of Chuquicamata has been forced to discharge its Peruvian employees and operators as have the nitrate railways of Iquique and Pisagua, the nitrate oficinas and foreign commercial houses. These Peruvians rendered desperate by such persecutions, are abandoning their home, losing their goods and properties and arriving in Bolivia, Argentine and various cities of Perú by thousands.

Your Excellency, making the proclamation of principles in your discourses to the American Congress on the 8th of January and the 11th of February 1918 and before the tomb of Washington on the 4th of July of the same year, has shown himself as a defender of humanity; these principles have found a sympathetic echo in the heart of all good men, and we are certain that they will serve as the basis of the conditions under which peace will be celebrated, putting an end to the last war and organizing future international relations not only in Europe but in the entire world.

Before the war of 1879, Chilean territory did not lie adjacent to that of Perú, and Chile never had any right over possession of Tarapacá, Tacna and Arica; it asked the cession of the first of these provinces because, alleging that

Perú did not have the money to pay an indemnity to compensate for the cost and the sacrifices imposed by the war, the cession of Tarapacá represented this indemnity; this was expressly stated by the Chilean Chancellor, Melquiades Valderrama, in the circular directed to the diplomatic corps on the 10th of November, 1880, manifesting the reasons which in his opinion occasioned the failure of the negotiations of peace, which took place in Arica aboard the American warship "Lakawana."

Be that as it may, Chile spent in the war against Perú and Bolivia 17,000,000 pesos of 36d, that is 2,550,000 Pounds, and has received from Tarapacá through taxation on the exportation of nitrate and iodine and for sale of guano and nitrate lands, more than a hundred and thirty millions pounds sterling. Therefore, they have been paid the greatest indemnity it was possible to claim, the greatest paid up to the present time, as the result of a war; nothing is owing them, and in consequence, there is no reason for the retention by Chile of territories which it claimed only as a means of securing an indemnity which it believed pertained to it as the victorious nation.

In harmony with the antecedents set forth and with the principles proclaimed by your Excellency we take the liberty of formulating the following petition:

1.—The annulment of the treaty of Ancón and a consequent restitution to Perú of the territories of Tarapacá, Tacna and Arica;

2.—That Chile be forced to grant the Peruvian residents in the indicated territories the guarantees accorded by civilized nations, while restitution of these territories is being effected.

(Follow more than one thousand signatures which correspond to only a portion of the Peruvians expelled from Tarapacá, Tacna and Arica, actually in Lima. These signatures, in original, are being desposited in the United States Legation.)

**PATRIOTIC PROTEST SIGNED BY THE NATIVES
OF TARAPACA, IMMEDIATELY AFTER THE
"CHILIAN OCCUPATION.**

ACT—IN THE NAME OF THE LORD.

The undersigned, natives of the department of Tarapaca,
CONSIDERING:

1st.—That as a result of the fratricide war sustained by the republic of Chili against Peru, the first named government pretends, as an absolute condition for the signature of peace, the perpetual transfer of our department in order to form a Chilian province, counting simple and exclusively with the advantages that the instable good luck of arms has furnished;

2nd.—That the great future reserved to the American Continent rests precisely in the peace and tranquility that must prevail in all and each of the countries forming it, under which benefactor shadow the ideas of material, moral and intellectual progress that cause the prosperity of people, can freely develop;

3rd.—That the right of conquest that the Chilean nation irrevocably pretends to establish in the International American Code, not only destroys from its basis the pillar on which so far the independence of each one of the sovereign states in which the continent is divided, has reposed, but that removes far away and for ever the realization of a happy future; said mournful right be accepted, in a short time America would be converted into a vast military camp and its natives with no other occupation than the handling of arms, to protect the independence of their respective countries, or to attack and enslave those whom they consider most fit for their ambition;

4th.—That the Political Constitution of Peru, in force when the war was commenced, in its article 2nd reads: "*The*

Nation is free and independent and cannot sign any agreement to oppose its independence or integrity or to affect in any way its sovereignty"; therefore, no government has the right, which to the nation itself is denied, to celebrate agreements, by any means, dismembering the national territory;

5th.—That although in the Fundamental Constitution of the State these principles of national integrity were not stipulated, and a constituent congress should accept the exigencies of the fortunate invader, making cession of our department to save the independence of the remainder of Peru, a treaty under such conditions would neither be acceptable for us;

6th.—That the department of Tarapaca was not obtained by Peru by means of conquest, purchase or spontaneous transfer, but as all the provinces of which the republic is composed, contributed with the blood of its natives and all kind of efforts to attain the national independence in the bloody and long war that was necessary to sustain against its secular oppressor the Spanish nation;

7th.—That once Peru independent, its natives freely agreed the union of its people in one only nation, to obtain the object of all political association, declaring it as "*One and indivisible*";

8th.—That if in the extremely unfortunate case, Peru is bound to accept as legal a treaty with its invader in the conditions demanded, no matter who it was and in whose name he would act, breaking off thus "*in fact*" the social contract that joins all the people that form the nation, we shall have the most perfect right to consider ourselves loose from said contract, and consequently free to make of our sovereignty the use that may suit us best;

9th.—That in case of an unexpected change which occur frequently in politics, should it be necessary to consult by means of a plebiscite, or in any other way, the will of the inhabitants of our department, to determine if it may or not

form an integral portion of the Chilian territory, it is our duty to declare at once, that said consultation shall not be accepted by us if it is not proposed only to the natives of the department, excluding absolutely any person not being born within its territory.

For all these and any other considerations resulting from our most perfect and indestructible right; *We protest* before all nations of America and the whole world in our name, in the name of our sons and in that of the future generations:

1st.—Not to recognize nor accept as valid any treaty that Peru may sign in which it be stipulated the transfer of our department to Chili or to any other State, no matter what Peruvian government may sign it or the source from which its authority may spring;

2nd.—Should the event foreseen in the former clause occur, we shall reassume our natural right of sovereignty to put it into force how and when it may suit us best, in which case we shall "*in fact*" remain free from the social contract that joins us to Peru;

3rd.—Not to accept the appeal to obtain the assentment of the inhabitants of our department, if the opinion is not submitted *exclusively* to the citizens born in their territory, who are the only ones that can dispose of their future destiny, and that it will take place with absolute freedom;

4th.—To remain faithful to Peruvian laws, paying submission to the resolutions of the legal authorities, and following the common future reserved to Peru in the actual or in any other emergency, so long as the principle of territorial integrity established in the Fundamental Constitution of the State, is not violated.

To agree in its opportunity the way to put into force these resolutions giving them proper publicity, in conformity with the events that may develop.

We implore the protection of the Lord to keep aloft from our country and from America the catastrophies that seem to agglomerate upon the continent; and to avoid us the sacrifices of all kind which we should be compelled to face in protection of our most venerated rights.

TARAPACA, January 1884.

G. Arredondo, Felipe B. Romero, Pedro J. Zavala, B. Morales Bermúdez, E. Ossio, Rómulo Peñaranda, Manuel J. de Loayza, Juan E. Albarracín, Ildefonso de Loayza, Bruno Quiroga, Alejo Mollo, Desiderio C. de Loayza, M. Rodríguez, José Mamani, Emilio R. Albarracín, Ciriaco Oviedo Véliz, Felipe C. Higuera, Claudio C. Albarracín, Manuel Mamani, Maximiliano Saavedra, José R. Molina, Belisario Santibañez, Alberto Santibañez, Viconte E. Rocha, Mariano Alcedán, Manuel R. Rodríguez, Juan C. Albarracín, Manuel Amas, Luis M. Rodríguez, Guillermo R. Rodríguez, Fernando Calvo, G. Blackadder, J. Oswaldo Aguirre, Angel C. Beas, José Manuel Butrón, Rojelio Beas, Andrés Flores, J. Gregorio, R. Quiroga, Jorge, Gárate, Olegario Ríos, Segundo Barreda, Gregorio H. Olcay, Exequiel Barreda, José Cabezas, Vicente Liendo.

The signatures of all the natives of the department, follow.

PATRIOTIC PROTEST SIGNED BY NATIVES OF TACNA AND ARICA, IMMEDIATELY AFTER THE CHILIAN OCCUPATION.

The undersigned, natives of the Provinces of Tacna and Arica, **CONSIDERING:**

First.—That for the purpose of putting an end to the war, waged between our country and the Republic of Chile, a treaty of peace has been ratified, in which the latter nation demands as an indispensable condition the possession for a period of ten years of the Provinces of Tacna and Arica, with the proviso that at the end of this term popular opinion must be consulted in order to ascertain through this medium whether said Provinces are to form an integral part of Peru or remain definitely annexed to Chili.

Second.—That this would signify to Peru the loss of two provinces that are solidly united to her by powerful ties of common interest and historic traditions.

Third.—That the temporary possession of the Provinces of Tacna and Arica, although for a limited period, constitutes an attack on the integrity of Peruvian territory, an integrity permanently guaranteed by our Constitution, and which the will of the Nation is always ready to defend.

Fourth.—That the Republic of Chili has no title whatsoever to justify its pretensions over the Provinces of Tacna and Arica, because the victories obtained by her armies, by no means, can make her claim legitimate to the retention of the Provinces.

Fifth.—That if a treaty has been suscribed to, such an instrument has only been entered into on the part of Peru, due to the force of the hard oppression exercised by the Chilian armies, such being consequently null and everything therein stipulated worthless.

Sixth.—That Peru although obliged by Chilian arms, cannot transfer the inprescriptible rights of collective personalities in benefit of a nation alien by its institutions, to our customs and inveterate traditions, although such a transference were even temporary.

Seventh.—That the treaty having been ratified, and on the termination of the period of ten years occupation therein established, the will of the Provinces in question must be consulted in order to decide to which of the respective Nations they desire to belong to; the natives of those districts are the only parties having the right to resolve their future in accordance with their own rights.

For these and many other reasons they agreed:

First.—To solemnly protest regarding the clause of the treaty wherein was stipulated the possession of our Provinces for ten years by the Republic of Chili, because the clause in question is entirely opposed to the absolute principles of patriotic honour, reason and justice upon which the precepts of international right are based.

Second.—To remain faithful to the Peruvian nation accepting its laws, recognizing its legitimate authorities, supporting the taxes imposed upon us, and always united to Peru our country, to run together the same fate in the future.

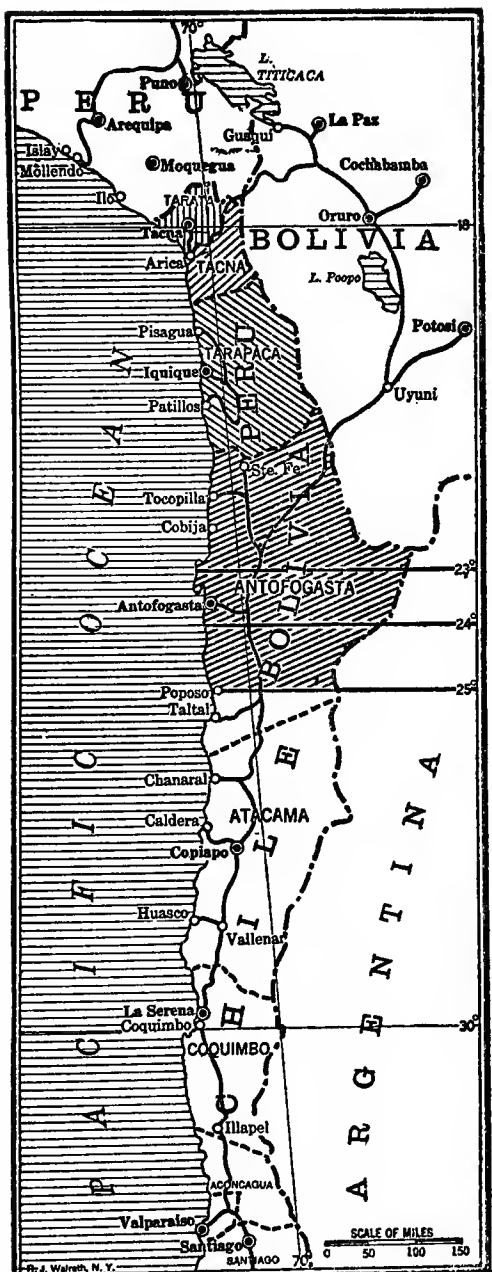
Third.—Not to recognize as valid the resolution referred to in the article of the above-mentioned treaty, but only and exclusively the free expressed will of the citizens born in our Provinces.

Fourth.—To take as many measures as possible conducive to the realization of the former resolutions, publishing the present in order that its contents may become known all over the Republic and by all the Nations.

TACNA, March 10th, 1884.

Bruno J. Vargas, Gregorio Bustíos, F. Saturnino Bustíos, Rigoberto Molina, Miguel J. Zavala, José M. Herrera, Dr. Monge Ledesma, Dr. Guillermo MacLean, Juan MacLean, Luis B. Arce, Enrique Forero, Manuel M. Forero, Manuel Cornejo, Carlos Basadre y Forero, José R. Pizarro, Neptalí J. G. Zavala, J. Oviedo, E. Allende, Guillermo Vera Revenga, Fortunato Osorio, A. Albarracín, P. L. Sotomayor, José S. Bustíos, Javier Aquiles Méndes, Carlos Zapata, Julio F. Gálvez, Arístides G. Vigil, Manuel T. María, Juan R. Stevenson, Federico Arias y Delgado, J. E. Barrón, Juan de la Rosa Plaza, Lorenzo Infantas, Carlos Forero, Pedro J. Portocarrero, Adán Vargas, Federico Vargas, Enrique Landa, Felipe Landa, S. Vargas, Alfredo Valle-Riestra, Pedro Linares, Milciades Cornejo, Lucas Paniagua, F. M. Baluarte, Valeriano Albarracín.

The signatures of all the natives of the department, follow.



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Peru and Chile, the question of Tarapaca



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